



COUNCIL AGENDA: 8-26-14  
ITEM: 2.12

## Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT: SEE BELOW**

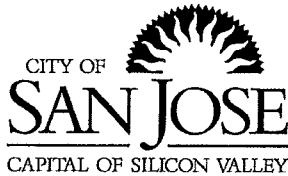
**DATE:** 8-21-2014

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**SUBJECT: 2014 LEAGUE OF CALIFORNIA CITIES RESOLUTION**

### **RECOMMENDATION**

As recommended by the Rules and Open Government Committee on August 20, 2014 and outlined in the attached memo previously submitted by the Rules and Open Government Committee, approve a position to approve a resolution regarding illegal marijuana grow sites, to be considered at the Annual League of California Cities Conference to be held in Los Angeles, September 3 – 5, 2014.



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Betsy Shotwell

**SUBJECT:** 2014 LEAGUE OF CALIFORNIA  
CITIES RESOLUTION

**DATE:** August 12, 2014

Approved

Date

8/15/14

## RECOMMENDATION

Approve the recommended City position on one (1) resolution regarding illegal marijuana grow sites, to be considered at the Annual League of California Cities (LOCC) Conference to be held in Los Angeles, September 3 – 5, 2014. A one-week turnaround to the Mayor and City Council is requested.

## OUTCOME

By approving the recommended position for the one resolution, our City representatives attending the Annual Business meeting will have the Council's direction for the vote to be taken on the resolution.

## BACKGROUND

Each year, the LOCC accepts resolutions from member cities, and elected officials to be adopted at its annual conference. Before the conference, the resolutions undergo review by the appropriate LOCC policy committees. On Wednesday, September 3, policy committees will meet for a final review of the resolution. Next, the General Resolutions Committee will meet on Thursday, September 4, to consider the policy committees' reports and to take action on their recommended positions. Resolutions that are approved by the General Resolutions Committee will then be reported on the floor of the General Assembly at the Annual Business meeting, on Friday, September 4 at noon.

The voting delegates at the Annual Business meeting make the final determination on the resolutions.

## **ANALYSIS**

The staff analysis and original language of the resolution is attached for your consideration. In addition, the summary below has been provided as a summary of the recommended City position for the resolution.

### **2014 Proposed League of California Cities Resolution**

<b>Resolution</b>	<b>Recommended City Position</b>
1. Environmental and Public Safety Impacts Of Illegal Marijuana Grow Sites	Approve

## **PUBLIC OUTREACH**

- ☐ **Criteria 1:** Requires Council action on the use of public funds equal to \$1,000,000 or greater. **(Required: Website Posting)**
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This document will be posted on the City's website for the August 20, Rules and Open Government Committee where the Council and the public have the opportunity to comment.

## **COORDINATION**

This memorandum was coordinated with the City's Legislative Advocate in Sacramento, the City Attorney's Office, the Police Department, and the Environmental Services Department.

/s/  
BETSY SHOTWELL  
Director, Intergovernmental Relations

For more information contact: Betsy Shotwell, Director of Intergovernmental Relations at (408) 535-8270.

Attachment: 2014 Annual Conference Resolution and staff analysis and recommendation.

## 2014 ANNUAL CONFERENCE RESOLUTIONS

### RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY AND PUBLIC SAFETY POLICY COMMITTEES

**1. A RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO CONVENE A SUMMIT TO ADDRESS THE DEVASTATING ENVIRONMENTAL IMPACTS OF ILLEGAL MARIJUANA GROWS ON BOTH PRIVATE AND PUBLIC LANDS THROUGHOUT CALIFORNIA AND THE INCREASING PROBLEMS TO PUBLIC SAFETY RELATED TO THESE ACTIVITIES BY WORKING IN PARTNERSHIP WITH THE LEAGUE OF CALIFORNIA CITIES TO DEVELOP RESPONSIVE SOLUTIONS AND TO SECURE ADEQUATE FUNDING FOR COST-EFFECTIVE IMPLEMENTATION STRATEGIES.**

Source: Redwood Empire Division

Concurrence of five or more cities/city officials: Cities of Arcata; Blue Lake; Clearlake; Cloverdale; Crescent City; Eureka; Fort Bragg; Healdsburg; Lakeport; Trinidad; and Ukiah

Referred to: Environmental Quality and Public Safety Policy Committees

Recommendation to General Resolutions Committee:

**WHEREAS**, public concerns in response to widespread damage to fish and wildlife resources and degradation to California's environment, and threats to public safety resulting from illegal marijuana cultivation statewide requires urgent action by the Governor and the Legislature, and

**WHEREAS**, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future citizens of California, and

**WHEREAS**, illegal marijuana cultivation activities include habitat destruction and fragmentation, poaching wildlife, illegal water diversions, unregulated use of fertilizers, pesticides, insecticides, rodenticides, soil amendments contaminating land and waters without regard for the cumulative impacts to the environment or public health, and

**WHEREAS**, changing global climate conditions are posing escalated threats in California to health, well-being, nature and property; as evidenced by critical water shortages across the state due to prolonged drought conditions, and

**WHEREAS**, illegal water diversion for the purpose of cultivating marijuana plantations poses a direct threat to California's endangered and threatened anadromous fish species, including coho salmon, Chinook salmon, steelhead trout and other aquatic species, especially at critical life phases during seasonally low flow conditions; and

**WHEREAS**, California is a leader in the global effort to fight climate change and is pursuing a broad, integrated strategy to reduce greenhouse gas emissions and conserve energy, yet in a recent Lawrence Livermore Lab study estimated that upwards of 10% of electricity usage statewide can be attributed to indoor marijuana cultivation; these sites are often the causation of fires and home invasion incidents due to criminal activity, and

**WHEREAS**, the presence of illegal marijuana growing sites on State and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

**WHEREAS**, increasing violence and threats to public safety related to illegal marijuana grows is contributing to a sense of lawlessness and impacting nearby communities where criminal activities are expanding, and

**WHEREAS**, the issue of illegal marijuana grows has reached a crisis level across the state as evidenced by the murder of former League Board member, Fort Bragg Councilmember and veteran forester Jere Melo who was fatally shot down while investigating a report of a marijuana grow on private timberlands in northern California.

**RESOLVED**, at the League General Assembly, assembled at the League Annual Conference on September 5, 2014 in Los Angeles, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to convene a summit to address the devastating environmental impacts of illegal marijuana grows on both private and public lands and the increasing problems to public safety related to these activities.

**FURTHER RESOLVED**, that the League will work with its member cities to educate State and federal officials regarding emerging concerns from their communities and citizenry and to the challenges facing local governments. Therefore, we request the Governor and the Legislature to work with the League to provide responsive solutions with adequate funding support and effective State and federal government leadership to address widespread environmental damage and associated threats to public safety impacting every region in the State of California.

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#### **Background Information on Resolution No. 1**

**Source:** Redwood Empire Division

**Background:**

When California voters approved Proposition 215 in 1996 there was little thought given to a wide range of problems which have emerged in association with the increased availability and demand for marijuana. Cities within the Redwood Empire Division have grappled with the impacts of illicit marijuana grow sites for decades. Yet in recent years the environmental degradation from marijuana growing operations and public safety threats has grown exponentially. In 2011, Fort Bragg City Council Member Jere Melo was fatally shot while investigating illegal marijuana cultivation on private timber lands in Mendocino County.

Illegal marijuana cultivation activities are causing extreme environmental degradation including habitat destruction and fragmentation, illegal water diversions, killing and poisoning wildlife, unregulated use of fertilizers, pesticides, rodenticides contaminating land and polluting waters without regard for the cumulative impacts to the environment and the public's health and safety. It is expensive to remediate this environmental destruction that often destroys significant, federal, state, local, tribal and private investments in restoring or protecting the surrounding landscape.\

Public concern for widespread, landscape-level environmental damage resulting from unregulated growing operations and escalating violent crimes associated with the marijuana industry has reached a tipping point across the state. The Redwood Empire Division joins with other cities throughout the state in a call for action to reverse these trends.

**Current Problem Facing California's Cities:**

Cities throughout California state have struggled with regulating medical marijuana dispensaries and grow houses along with the associated community impacts of those facilities and land use activities. Many unforeseen environmental impacts and public safety concerns are now emerging as a consequence of increased production and demand for marijuana.

Critical water shortages across the state due to prolonged drought conditions have resulted in the Governor declaring a Drought State of Emergency. Illegal water diversions for the purposes of cultivating marijuana plantations are increasing throughout the state. These activities impact agricultural production and domestic water use. The cumulative impacts to watershed health are considerable and pose direct threats to California's salmon, trout and other sensitive aquatic species, especially at critical life stages during seasonally low flow conditions. In addition, under drought conditions, the risk of fire is elevated. The presence of marijuana grow sites in fire prone areas contributes to potential wildfire risks at the Wildland/Urban Interface.

The presence of illegal marijuana growing sites on state and federal public lands creates unsafe conditions for visitors. These lands are managed with taxpayer support and are intended to be for enjoyment by the public, recreation and conservation. However, the increasing level of violence and threats to public safety related to illegal marijuana grows on both private and public lands are contributing to a sense of lawlessness and impacting nearby communities where criminal activities are expanding. The lack of oversight of marijuana cultivation operations to ensure compliance with existing state and federal environmental regulations is impacting water quality and quantity statewide. The current legal and regulatory framework is inadequate to address numerous environmental issues, as well as public health and safety.

**Redwood Empire Division Resolution:**

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the rising threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions, and secure adequate funding for implementation strategies.

The issues surrounding marijuana production and distribution are complex and require comprehensive statewide approach. California cities need to have a strong voice in this process. The mission of the League of California Cities is to enhance the quality of life for all Californians and we believe that our strength lies in the unity of our diverse communities on issues of mutual concern.

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**League of California Cities Staff Analysis on Resolution No. 1**

Staff: Tim Cromartie (916) 658-8252

Committee: Public Safety Policy Committee

**Summary:**

This Resolution seeks to highlight the environmental and public safety issues triggered by illegal marijuana cultivation, and calls upon the League, the Governor and the Legislature to take action by convening a summit to address the environmental impacts of such cultivation sites. It also calls upon the State of California to provide solutions in response, including sufficient funding to decisively address the problem.

**Background:**

The sponsor of this resolution argues that when California voters approved Proposition 215 in 1996, little thought was given to a wide range of problems which have emerged in association with the increased availability and demand for marijuana. Cities within the Redwood Empire Division have grappled with the impacts of illicit marijuana cultivation sites for decades. Yet in recent years the environmental degradation from marijuana growing operations and public safety threats has grown exponentially. In 2011, Fort Bragg City Council Member Jere Melo was fatally shot while investigating illegal marijuana cultivation on private timber lands in Mendocino County.

Illegal marijuana cultivation activities are causing extreme environmental degradation including habitat destruction and fragmentation, illegal water diversions, killing and poisoning wildlife, unregulated use of fertilizers, pesticides, rodenticides contaminating land and polluting waters without regard for the cumulative impacts to the environment and the public's health and safety. It is expensive to remediate this environmental destruction which often destroys significant, federal, state, local, tribal and private investments in restoring or protecting the surrounding landscape.

Critical water shortages across the state due to prolonged drought conditions have resulted in the Governor declaring a Drought State of Emergency. Illegal water diversions for the purposes of cultivating marijuana plantations are increasing throughout the state. These activities impact agricultural production and domestic water use. The cumulative impacts to watershed health are considerable and pose direct threats to California's salmon, trout and other sensitive aquatic species, especially at critical life stages during seasonally low flow conditions. In addition, under drought conditions, the risk of fire is elevated. The presence of marijuana grow sites in fire prone areas contributes to potential wildfire risks at the Wildland/Urban Interface.

The lack of oversight of marijuana cultivation operations to ensure compliance with existing state and federal environmental regulations is impacting water quality and quantity statewide. The current legal and regulatory framework is inadequate to address numerous environmental issues, as well as public health and safety.

Public concern for widespread environmental damage resulting from unregulated growing operations and escalating violent crimes associated with the marijuana industry has reached a tipping point across the state. The Redwood Empire Division joins with other cities throughout the state in a call for action to reverse these trends.

Note: The League of Cities has joined with the California Police Chiefs Association to co-sponsor legislation, SB 1262 (Correa), to establish a regulatory scheme for medical marijuana that protects local control, addresses the public safety concerns triggered by marijuana regulation, and imposes health and safety standards on marijuana for the first time. However, the measure does not address environmental issues, due to the expense and complexity associated with adding that objective to a bill that already has far-reaching regulatory goals combined with a critical need to contain state costs.

**Fiscal Impact:**

If the policy advocated by the Resolution is implemented by the state, there will be ongoing and unspecified costs to the State General Fund for enforcement activities, primarily in the rural counties where many of the illicit marijuana cultivation sites are located. Conservatively, the annual costs could run in the hundreds of thousands to low millions to patrol likely grow sites,

crack down on illegal water diversion activities, and provide consistent environmental clean-up made necessary by illegal rodenticides and pesticides.

**Comment:**

To assure success, counties will have to be actively involved in any policy change geared toward rigorous and consistent enforcement against illegal marijuana grows, given the fact that many of the cultivation sites are located in rural areas under the direct authority of county governments. This will require a dialogue with counties, during which the question of local political will to enforce the law, in addition to securing the necessary funding, will arise. If counties should opt not to play an active part in an aggressive enforcement strategy, the chances of success are questionable.

**Existing League Policy:**

Related to this Resolution, existing policy provides:

- The League opposes the legalization of marijuana cultivation and use for non-medicinal purposes.
- Reaffirming that local control is paramount, the League holds that cities should have the authority to regulate medical marijuana dispensaries, cooperatives, collectives or other distribution points if the regulation relates to location, operation or establishment to best suit the needs of the community.
- The League affirms that revenue or other financial benefits from creating a statewide tax structure on medical marijuana should be considered only after the public safety and health ramifications are fully evaluated.



**1. A RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO CONVENE A SUMMIT TO ADDRESS THE DEVASTATING ENVIRONMENTAL IMPACTS OF ILLEGAL MARIJUANA GROWS ON BOTH PRIVATE AND PUBLIC LANDS THROUGHOUT CALIFORNIA AND THE INCREASING PROBLEMS TO PUBLIC SAFETY RELATED TO THESE ACTIVITIES BY WORKING IN PARTNERSHIP WITH THE LEAGUE OF CALIFORNIA CITIES TO DEVELOP RESPONSIVE SOLUTIONS AND TO SECURE ADEQUATE FUNDING FOR COST-EFFECTIVE IMPLEMENTATION STRATEGIES.**

**Recommended City Position:** Approve

**Source:** Redwood Empire Division of the LOCC

**Referred to:** Environmental Quality and Public Safety Policy Committees

**Background and Analysis:**

The Redwood Empire Division's Resolution seeks to address the extreme environmental damage of illegal marijuana grows on both private and public lands throughout California; as well as the increasing threat to public safety related to these illegal sites. The resolution will provide the LOCC with direction to call upon the "Governor and Legislature to work with the League and other stakeholders to convene a summit to address the devastating environmental impacts of illegal marijuana grows on both private and public lands and the increasing problems to public safety related to these activities."

The resolution will further direct the LOCC to work with its member cities to "educate State and Federal officials regarding emerging concerns from their communities and citizenry and to the challenges facing local governments."

As the LOCC staff analysis attests, illegal marijuana cultivation activities are causing extreme environmental degradation including habitat destruction, illegal water diversion, the killing and poisoning of fish and wildlife, the unregulated use of pesticides, fertilizers and rodenticides which contaminate the land and pollute the waters and the increased concern as to the public's health and safety. The cumulative effects of this degradation are impacting federal, state, local, tribal and private lands throughout the State.

As an example, just recently, the California National Guard on July 21 joined with more than dozen other agencies to help the Yurok tribe, located along the Klamath River in Humboldt County, to combat marijuana grows that have threatened the reservation's water supply, harmed its salmon and wildlife habitat, and interfered with its cultural activities. The illegal operation diverted millions of gallons of water and carved roads with heavy equipment on tribal lands in order to plant an estimated "tens of thousands of plants."

In recent years, areas of agricultural farmland in rural San Joaquin Valley have been shattered by a surge in illegal marijuana grows. As of January 2014, the estimated number of marijuana grows in Fresno County had soared to 551 multi-acre operations, (there were none five years ago) and thousands of smaller ones.

Closer to home, on July 15, wildlife officers with the California Department of Fish and Wildlife and other law enforcement agencies located a large marijuana grow operation in the upper reaches of the south fork of Santa Cruz County's Vicente Creek near Bonny Doon. Vicente Creek is an historic waterway that supports steelhead trout as well as the endangered Central Coast

Coho salmon. Two suspects were taken into custody and are to be charged with "streambed alteration, pollution and placement of hazardous materials on the property, among other charges." The 180 fully mature marijuana plants found on the property were estimated to be valued at \$360,000.

As the LOCC analysis states, "public concern for widespread environmental damage resulting from unregulated growing operations and escalating violent crimes associated with the marijuana industry has reached a tipping point across the state," and the Redwood Empire Division wants to "join with other cities throughout the state in a call for action to reverse these trends."

The existing Council adopted Legislative Guiding Principles for 2014 includes under "Support Efforts to Keep San Jose Safe – Support State and Federal legislation and policies which establish guidelines monitoring the distribution of medical marijuana; protect the City's land use authority; ensure the safety of its residents and allow for the recuperation of costs for enforcement."

Should this resolution's policy be implemented, there will be ongoing and unspecified costs to the State General Fund for enforcement activities which could run in the hundreds of thousands to low millions. However, by investigating, removing and reclaiming these illegal grow sites, in addition to apprehending and prosecuting the drug offenders and traffickers who operate them, this resolution will go a long way towards preventing further damage and destruction of California's natural resources and protect public safety. For these reasons staff recommends that the City Council approve this resolution concerning illegal marijuana growing sites.

**Recommended City Position:** Approve

**Coordination:** The Police Department, the Environmental Services Department, the City Legislative Advocate in Sacramento and the City Attorney's Office.